

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

<b>(1) EILEEN COONCE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No.: 17-CV-279-RAW</b>
	)	
<b>(1) AUTOMOBILE CLUB OF AMERICA</b>	)	
<b>(2) AAA FIRE &amp; CASUALTY INSURANCE</b>	)	
<b>COMPANY (3) CSAA FIRE &amp; CASUALTY</b>	)	
<b>INSURANCE COMPANY,</b>	)	
	)	
<b>Defendants.</b>	)	

**NOTICE OF REMOVAL**

The Petitioner, identified by Plaintiff as CSAA Fire & Casualty Insurance Company and which was f/k/a ACA Insurance Company, d/b/a AAA Fire & Casualty Company, Defendant in the above-captioned case, states the following:

1. The above-entitled cause was commenced in the District Court of Wagoner County, entitled *Eileen Coonce v. Automobile Club of America, AAA Fire & Casualty Insurance Company, CSAA Fire & Casualty Insurance Company, Case No. CJ-2015-293*. Process was served on CSAA Fire and Casualty Insurance Company through the Oklahoma Insurance Commissioner on June 27, 2017. A copy of Plaintiff's Amended Petition setting forth the claim for relief upon which the action is based is attached hereto and marked Exhibit "1". A copy of the Summons served upon Defendant is attached hereto and marked Exhibit "2".

2. Defendant, CSAA Fire & Casualty Insurance Company f/k/a ACA Insurance Company d/b/a AAA Fire & Casualty Company, is incorporated in the State of Indiana, with its principal place of business in a state other than Oklahoma. (See Amended Petition, p. 1, ¶ 4, Ex. 1). Plaintiff is a resident and citizens of Wagoner County, State of Oklahoma. (See Amended Petition,

p. 1, ¶ 1, Ex. 1). Plaintiff's cause of action is for an alleged breach of contract and alleged bad faith. The matter in controversy, between Plaintiff and Defendant, according to Plaintiff's demand, exceeds Seventy-Five Thousand and No/100ths Dollars (\$75,000.00), exclusive of interests and costs. (*See* Amended Petition, p.2, Ex. 1).

3. To date, CSAA is the only Defendant served in this action. Plaintiff's Amended Petition shows complete diversity between the parties. (*See* Amended Petition, p. 1, ¶¶ 1-4, Ex. 1). AAA Fire & Casualty Company named in the Amended Petition is a d/b/a of CSAA Fire & Casualty Company when it was known as ACA Insurance Company. Automobile Club of America has not been served and is not a party to the contract of insurance at issue herein.

4. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332, by reason of the fact that this is a civil action wherein the amount in controversy, according to Plaintiff's demand, exceeds Seventy-Five Thousand and No/100ths Dollars (\$75,000.00), exclusive of interest and costs and is between citizens of different states. Accordingly, this action may be removed by Defendant pursuant to 28 U.S.C. § 1441(a).

5. This Notice of Removal is filed in this Court within thirty (30) days after June 27, 2017, the date the Defendant was served through service upon the Oklahoma Insurance Commissioner, with a copy of Plaintiff's Amended Petition, which was the initial pleading setting forth the claim for relief upon which this action is based. (*See* Summons, [date stamp by Oklahoma Insurance Commissioner], Ex. 2).

6. Copies of all process and pleadings, and Orders filed in the action below have been attached hereto as follows:

(1) Amended Petition, Ex. 1;

- (2) Summons Ex. 2;
- (3) original Petition naming only Automobile Club of America, Ex. 3;
- (4) Dismissal Without Prejudice (filed in wrong case) Ex. 4;
- (5) Plaintiff's Motion for Order Nunc Pro Tunc and Motion to Extend Time to Serve Ex. 5;
- (6) Order Nunc Pro Tunc Ex. 6;
- (7) Pursuant to LcvR 81.2, a copy of the state court docket sheet is attached as Ex. 7.

Note the original Petition was never served.

**WHEREFORE**, Defendant, CSAA Fire & Casualty Insurance Company f/k/a ACA Insurance Company d/b/a AAA Fire & Casualty Insurance Company, prays that this action be removed.

Dated this 17<sup>th</sup> day of July, 2017.

Respectfully submitted,

**ATKINSON, HASKINS, NELLIS,  
BRITTINGHAM, GLADD & FIASCO**  
A PROFESSIONAL CORPORATION

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***CSAA Fire & Casualty Insurance Company,  
f/k/a ACA Insurance Company d/b/a AAA Fire &  
Casualty Company***

**CERTIFICATE OF SERVICE**

I hereby certify that on the 17th day of July, 2017, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Mark S. Stanley (mstanley@csmlaw.us)  
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Tulsa, Oklahoma 74119  
*Attorney for Plaintiff*

/s/ James N. Edmonds

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